

Message Text

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ACTION L-03

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TO SECSTATE WASHDC 299

INFO AMEMBASSY MEXICO CITY

AMEMBASSY LONDON

CONFIDENTIAL USUN 4020

LONDON FOR NELSON

E.O. 11652: GDS

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. DELOFF HAD EXCELLENT CONVERSATION WITH MEXICAN REP
SANCHEZ GAVITO RE ASYLUM QUESTION.

2. SANCHEZ GAVITO ACKNOWLEDGED THAT ASYLUM AMENDMENT
WAS SERIOUS PROBLEM SINCE IF IT DEFEATED MEXICO AND
OTHER CO-SPONSORS COULD NOT BECOME A PARTY AND IF IT
ACCEPTED WITH AFRICAN SUPPORT IT LIKELY BE ABUSED IN
WAY WHICH WOULD CAUSE MEXICO AS MUCH DISTRESS AS IT
WOULD CAUSE US.

3. WE DISCUSSED TWO POSSIBLE WAYS OUT OF DILEMA. ONE
BEING FOR CO-SPONSORS TO WITHDRAW AMENDMENT AFTER
SEVERAL ADVERSE COMMENTS MADE ON IT IN COMITE ON CONDI-
TION IT AGREED THAT RESERVATION RELATING TO
DIPLOMATIC ASYLUM WOULD NOT BE OBJECTED TO AS INCOM-
PATIBLE WITH THE OBJECT AND PURPOSES OF THE TREATY.

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THE OTHER BEING TO REDRAFT THE ASYLUM PROPOSAL TO LIMIT

IT TO DIPLOMATIC ASYLUM AND ALREADY EXISTING TREATIES.
SANCHEZ GAVITO HAS AGREED TO CONSIDER THESE POSSIBILITIES.

4. FIRST POSSIBILITY IS OBVIOUSLY NEATER, DOES LESS DAMAGE TO CONVENTION AND SEEMS TO BE ONE SANCHEZ GAVITO REGARDS AS EASIER TO SELL TO HIS CO-SPONSORS. PROBLEM IS ONCE IDEA OF RESERVATIONS IS LOOSED IN COMITE AFRICANS AND ARABS ARE LIKELY TO FIND IT IMPOSSIBLE RESIST PRESSING FOR ACCEPTANCE OF RESERVATION THAT IF MOTIVE WAS NATIONAL LIBERATION ALL BETS ARE OFF. UK DELOFF WITH WHOM WE DISCUSSED MATTER REGARDS THIS AS HIGHLY PROBABLE. SECOND POSSIBILITY IS TO PRESS SANCHEZ GAVITO TO LIMIT ASYLUM TO DIPLOMATIC ASYLUM PER EXISTING TREATIES AND AGREE TO DELIVER LA OPPOSITION TO ANY AFRO-ARAB EFFORT TO BROADEN EXCEPTION. WE WOULD IN RETURN OFFER TO DROP OPPOSITION TO INCLUDING SUCH A PARA AND UNDERTAKE TO TRY CONVINCE WEO'S AND SOVS NOT TO OPPOSE. PROBLEM HERE IS DIGNIFYING DOCTRINE SO IT MAY PLAGUE FUTURE CONVENTIONS AND FACT THAT WHILE LOOPHOLE IS LIMITED IT IS A LOOPHOLE. THIRD POSSIBILITY IS TRY TO DEFEAT ANY PROPOSAL ON ASYLUM AND ACCEPT FACT LA'S WHO DO NOT BECOME PARTIES TO THIS CONVENTION ARE PARTIES TO OAS CONVENTION. PROBLEM HERE IS WE NOT CONFIDENT WE CAN DEFEAT CURRENT PROPOSAL SINCE SEVERAL AFRICANS HAVE INDICATED INTEREST IN IT.

5. COMMENT: ON BALANCE THOUGH CHOICE IS DIFFICULT ONE WE INCLINED FAVOR SECOND POSSIBILITY. UK DEL OF SAME OPINION.
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